

09/845,597

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Antoni P. Tomsia et al.
Appl. No.: 09/845,597
Filed : April 30, 2001
Title : Glass/Ceramic Coatings for Implants
Grp./Art Unit: 1775
Examiner: Sperty, Arden B.
Docket No.: IB-1627

TO: Arden Sperty
TO: Deborah Jones

via facsimile

REQUEST FOR INTERVIEW

Dear Madam:

REMARKS

This request for an interview after Final Rejection is in response to paper no. 13, mailed 6/09/2003. The interview is necessary and appropriate because Applicants have not been given a fair opportunity to respond to the outstanding issues and the Examiner has not fully responded to Applicant's arguments of paper of May 15, 2003.

Topics for Discussion

Applicant's raise the following topics for discussion during the interview:

- 1) What in particular is wrong with the provisional application? The Examiner states that "the provisional application 60/201556 does not comply with 35 USC 11(b)


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(sic), or the first paragraph of 35 USC 112 because the provisional application does not contain a specification. A compilation of references does not equate to a specification". What authority does the Examiner cite for the proposition that a compilation of references does not equate to a specification?

- 2) Applicants respectfully request the Examiner to specifically state how the provisional application is deficient under 111(b) or 112 first paragraph. If the Examiner maintains that a "compilation of references" does not equate to a specification, Applicants respectfully request support for this position. Specifically, how does the specification not comply with 112 first paragraph. The Examiner must describe the deficiencies with particularity according the MPEP. This has not happened.

- 3) Applicants respectfully request support for the Examiner's statement that an oral talk constitutes "public use" under 35 USC 102(b). This is not true. *I thought they taught us this in PEIT.*
- 4) Applicants respectfully contend that the Final Rejection was premature.

The Examiner is requested to telephone the undersigned to schedule a telephone interview.



Respectfully Submitted,

Charles R. Nold
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